

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

MFA.No. 253 of 2000(B)

OP(MV.) 324/1997 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR

APPELLANT/PETITIONER

RAMACHANDRAN,
S/O, RAMAN,
VIYYOOKKARAN HOUSE,
MOORKANIKKARA P.O.,
THRISSUR.

BY ADV. SRI.P.K.ASHOKAN
SRI.RAJESH NAIR

RESPONDENTS/RESPONDENT

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1. G.M. SWAMY, S/O. GOVINDARAM, CHETTIAR,
7/2 GOPALAPURAM IST STREET,
COIMBATORE.
 2. SENTILKUMAR, S/O. KARUPPASWAMY,
PATTAMPALAYAM P.O.,
NAMBIYUR VAZHI, METTUPALAYAM.
 3. UNITED INDIA INSURANCE CO. LTD.,
BRANCH COIMBATORE.

BY

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

J.B. KOSHY & K. HEMA, JJ.

M.F.A.No. 253 of 2000

Dated this the 14th day of December, 2007.

JUDGMENT

Koshy, J:

Appellant-petitioner met with a motor accident while he was travelling as pillion rider in a scooter. As a result of the accident he had fracture on tibia and fibula. Even though doctor certified 35% disability, the Tribunal did not accept the same. He was only 29 years old. The Tribunal found that there is 10% contributory negligence on the part of the driver of the scooter. So, out of the total compensation of Rs.1,43,085/- calculated, after deducting 10% towards contributory negligence, appellant was awarded Rs.1,28,777/- with 10% interest from the date of application till the date of payment. Considering the nature of the injuries, we are of the opinion that just and reasonable compensation was awarded and no interference is required in the award at the instance of the appellant.

Appeal is dismissed.

Sd/-

J.B.KOSHY, JUDGE.

Sd/-

K. HEMA, JUDGE.

Krs.

J.B. KOSHY & K. HEMA, JJ.

M.F.A.No. 253 of 2000

Dated this the 14th day of December, 2007.

JUDGMENT